



## Legislation Text

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**File #:** 21-299, **Version:** 3

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### **ACTION REQUESTED:**

Communication from the City Manager and Director of Community Development with a Request to Concur with the Recommendation from the Planning and Zoning Commission and Staff to ADOPT an ORDINANCE Approving a SPECIAL USE in a Class R4 (Single Family Residential) District, for a SHORT TERM RENTAL at 1314 N SHERIDAN ROAD (Parcel Identification No. 18-04-154-003), Peoria, IL (Council District 2).

**BACKGROUND:** The petitioner and property owner, Antwyne Weeks requests to obtain a special use to use an existing single family dwelling as a short term rental. The property owner intends to use the property for short term rental when it is not rented on a month-to-month basis. The property has two legal off-street parking spaces. Parking on Sheridan Road is allowed.

Renting all or part of a dwelling to transient guest(s) for a period less than thirty (30) consecutive days is considered a short term rental. A short term rental, in the R-4 (Single Family Residential) District, that is not occupied by the property owner, must receive special use approval in addition to the following registration/licensing requirements:

1. The owner shall comply with the residential property registration code of the City of Peoria.
2. The owner shall obtain and maintain a valid Hotel Motel license from the City of Peoria and the owner shall pay Hotel or Motel Room Rental Use or Privilege tax to the City of Peoria.

The Planning & Zoning Commission found that the request, in case number PZ 465-2021, met the Findings of Fact and voted 6-0 to approve the request subject to the parking plan and the following conditions:

1. Maintain two legal off-street parking spaces, per the parking plan.
2. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906
3. Interconnected smoke detectors shall be installed according to the 2018 International Fire Code Chapter 9, Section 907
4. The owner shall comply with the residential property registration code of the City of Peoria.
5. The owner shall obtain and maintain a valid Hotel Motel license from the City of Peoria and the owner shall pay Hotel or Motel Room Rental Use or Privilege tax to the City of Peoria.
6. Additional dwelling units cannot be added to the single family dwelling.

See the attached case packet to the Planning & Zoning Commission and meeting minutes for detailed information.

City staff has been asked to attend multiple community meetings over the last few months regarding short term rentals in the community.

One of the biggest concerns raised to staff has been the fact that a special use stays with the property if the property remains in use. (If the property is not a short-term rental for 24 months, the special use does expire.) This means if a property is sold to a new owner, the new owner would have the ability to operate a short term rental at the property assuming they get a required license but would not be required to go through the special use process again. It is a policy decision of Council to amend the special use process for short term rentals to make the special use non-transferable to a new owner upon a sale. Based on the previous Council meeting, staff is taking a text amendment to the Planning and Zoning Commission which will then come to Council making this a condition established by ordinance. If Council supports making the change to the ordinance that special uses are non-transferable to a new owner, staff recommends putting a condition on this approval

that states this while the amendment is going through the process.

**Update - The City Council approved changes regarding the short-term rental special use process. The special use is not transferable to a new owner and the approval of this short-term rental will apply against the overall 3% cap or no more than 3 Special Use Short Term Rentals in the Armstrong Ellis Neighborhood Association. This property is a two-bedroom single family dwelling and they are asking for a max occupancy of 4 guests.**

**FINANCIAL IMPACT:** NA

**NEIGHBORHOOD CONCERNS (at the Planning & Zoning Commission Meeting):**

Two comments in opposition were received, one from a nearby resident and one from the president of the Armstrong-Ellis Neighborhood Association. Both comments were opposed to having transient neighbors and considered the request to be akin to a hotel. Commission members noted the use would be monitored both locally and through the host site. Staff find the concerns raised for a short term rental at the subject property are mitigated by the recommended conditions, parking plan, and requirements of the city code and codes adopted by reference.

**IMPACT IF APPROVED:** The Special Use would be approved subject to the parking plan and conditions. The property owner would need to obtain a license to operate the short term rental.

**IMPACT IF DENIED:** The Special use would not be approved and a non owner occupied short term rental use would not be permitted.

**ALTERNATIVES:** NA

**EEO CERTIFICATION NUMBER:** NA

**WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2017 - 2032 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?**

1. Grow Peoria

**WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?**

1. Reinvest in neighborhoods.

**DEPARTMENT:** Community Development